THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION No.20173 of 2006

Dated:17.04.2007

V.Ramulu

…Petitioner

The Station House Officer, II Town
Police Station, Karimnagar and
five others.

…Respondents

THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
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ORAL ORDER: **(per THE HON'BLE SRI JUSTICE D.S.R.VARMA)**

Heard the learned Government Pleader for Home, appearing for the respondents.

2. This is a take up writ petition on the source of a news item appeared in daily vernacular viz., "VAARTHA", dated 10.08.2006.

3. From the said news item, it could be seen that one Mosin Bin Awad, a under-trial prisoner No.505 (for brevity "the under-trial prisoner"), has been confined in the prison for the past ten years on some count, which is not relevant at present. It is further reported that suppressing the mental unsoundness of the said under-trial prisoner, the police have filed the charge sheet into the Court and even though ten years have elapsed after remanding the said under-trial prisoner to judicial custody, the trial of the case has not yet been commenced. This Court has registered the said news item as "Taken up Writ Petition" and passed an order, dated 29.03.2007, directing the IV Additional District Judge (Fast Track Court), Karimnagar, to send the factual report and his personal opinion as regards the mental state and fitness of the said under-trial prisoner to face the trial of the case.

4. Upon such direction, the IV Additional District Judge (Fast Track Court), Karimnagar, has submitted a report stating that on more than a couple of occasions, the said under-trial prisoner was present before him and that he never used to give any answers to the questions put to him and used to smile; that he has been watching the said under-trial prisoner for the past three years and on all the earlier occasions, he was found to be in a different mental state, arising a serious doubt about his capacity to face the trial; that subsequently, the said under-trial prisoner was treated by one Dr.Y.S.S.R.Rao, Assistant Professor, Psychiatry, Institute of Mental Health, Hyderabad; that subsequent to the treatment, when the said under-trial prisoner was presented before the Court, the learned Judge found that there was a drastic improvement in his conduct and, in fact, he was found to be in a normal

condition. But, on a couple of occasions, since the Doctor was not available, the matter was adjourned and on the next adjournment i.e., on 20.03.2007, the Doctor, who treated the said under-trial prisoner, appeared before the Court and deposed about the mental condition of the said under-trial prisoner. It appears, the Doctor has expressed his view that because of the treatment the said under-trial prisoner was found to have been improved significantly and further deposed that the said under-trial prisoner was produced before the Discharge Committee, consisting of Superintendent and two other Professors belonging to the department of Psychiatry, and also two other Doctors from outside the hospital. It was found by the said Committee that the said under-trial prisoner was capable of facing the trial. The letter No. A & D/154/2007/A/0 57006, dated 22.01.2007, addressed by the Superintendent, Government Hospital for Mental Care, Hyderabad, addressed to the Superintendent, District Jail, Karimnagar, a copy of which was marked to the IV Additional District Judge (Fast Track Court), Karimnagar, is also filed in this regard.

5. Be that as it may, when the said under-trial prisoner was questioned, as regards the capacity to engage a counsel, it appears that he expressed his inability and hence one Mr. Javeed Hussain, Advocate, was also appointed, as State Brief, to defendant on behalf of the said under-trial prisoner.

6. From the facts narrated in the report, sent by the IV Additional District Judge (Fast Track Court), Karimnagar, particularly in view of the statement made by the Doctor, who treated the said under-trial prisoner,

coupled with the opinion of the Discharge Committee of the Doctors, we have no hesitation to concur with the view expressed by the learned Judge that the said under-trial prisoner is in a mentally fit condition to face the trial and in consequence thereof, we do not find any reason to continue the writ petition any longer and the same is liable to be closed.

7. In the result, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE D.APPA RAO

17TH APRIL 2007
DR/KRK